

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

M. OVERTON,)
) Case No. CV 16-4254-R (JPR)
Plaintiff,)
)
v.) ORDER DISMISSING PLAINTIFF'S
) COMPLAINTS
WARDEN et al.,)
)
Defendants.)

M.L. OVERTON,)
)
Plaintiff,)
) Case No. CV 16-4083-R (JPR)
v.)
)
WARDEN et al.,)
)
Defendants.)

M. OVERTON,)
)
Plaintiff,) Case No. CV 16-3085-R (JPR)
)
v.)
)
CMC CLASSIFICATION)
COMMITTEE et al.,)
)
Defendants.)

Plaintiff recently filed two civil-rights complaints in the

1 Northern District of California and one in the Eastern District.
2 All were transferred to this district, where Plaintiff is housed
3 in a state prison. With none of the complaints did Plaintiff pay
4 the filing fee or submit an application to proceed in forma
5 pauperis.

6 Section 1915(g) of title 28 provides that


7 [i]n no event shall a prisoner bring a civil action . . .
8 if the prisoner has, on 3 or more prior occasions, while
9 incarcerated or detained in any facility, brought an
10 action or appeal in a court of the United States that was
11 dismissed on the grounds that it is frivolous, malicious,
12 or fails to state a claim upon which relief may be
13 granted, unless the prisoner is under imminent danger of
14 serious physical injury.

15 Over the past decade and a half, Plaintiff, while
16 incarcerated, has filed dozens of lawsuits across the country,
17 many more than three of which have been dismissed as frivolous or
18 for failure to state a claim. See, e.g., Overton v. Davis, No.
19 2:02-cv-00443-DFL-PAN (E.D. Cal. Nov. 4, 2002) (dismissing
20 lawsuit for failure to state claim); Overton v. Stockton Valley
21 Fed. Sav. & Loan, No. CIV S-04-1874 MCE DAD P (E.D. Cal. Dec. 15,
22 2004) (dismissing action as "legally frivolous and for failure to
23 state a claim"), Overton v. Assoc. Warden Business Serv., No.
24 2:10-cv-2955 MCE DAD P (E.D. Cal. Oct. 16, 2012) (dismissing
25 action for failure to state claim). In none of Plaintiff's three
26 recent lawsuits transferred to this district does he allege that
27 he is in imminent danger of serious physical injury. Indeed, to
28 the extent the Court can decipher the allegations of the

1 complaints, he alleges monetary or privacy injuries, not physical
2 ones. See Compl. at 2-3, Overton v. Warden, No. 2:16-cv-04254-R
3 (JPR) (C.D. Cal. May 23, 2016) (claiming that mail is not being
4 delivered promptly); Compl. at 2-4, Overton v. Warden, No. 2:16-
5 cv-04083-R (JPR) (C.D. Cal. May 20, 2016) (complaining that
6 transfer to new prison denied and that deceased cousin had
7 "pecuniary interest" in \$10 million, which should now go to
8 Plaintiff); Compl. at 2-4, Overton v. CMC Classification Comm.,
9 No. 2:16-cv-3085-R (JPR) (C.D. Cal. Mar. 17, 2016) (same).

10 Because Plaintiff is incarcerated, has filed three or more
11 lawsuits as a prisoner that have been dismissed as frivolous or
12 for failure to state a claim, and does not allege that he is in
13 serious danger of imminent physical harm, his three most recent
14 lawsuits must be dismissed.

15
16 DATE: July 5, 2016



MANUEL REAL
U.S. DISTRICT JUDGE

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19 Presented by:

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23 Jean Rosenbluth
U.S. Magistrate Judge
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